

REGULAR WEEKLY SESSION----ROANOKE CITY COUNCIL

July 18, 2005

2:00 p.m.

The Council of the City of Roanoke met in regular session on Monday, July 18, 2005, at 2:00 p.m., the regular meeting hour, in the Roanoke City Council Chamber, fourth floor, Noel C. Taylor Municipal Building, 215 Church Avenue, S. W., City of Roanoke, with Mayor C. Nelson Harris presiding, pursuant to Chapter 2, Administration, Article II, City Council, Section 2-15, Rules of Procedure, Rule 1, Regular Meetings, Code of the City of Roanoke (1979), as amended, and pursuant to Resolution No. 37109-070505 adopted by the Council on Tuesday, July 5, 2005.

PRESENT: Council Members Brian J. Wishneff (arrived late), M. Rupert Cutler, Alfred T. Dowe, Jr., Beverly T. Fitzpatrick, Jr., Sherman P. Lea, Brenda L. McDaniel and Mayor C. Nelson Harris-----7.

ABSENT: None-----0.

The Mayor declared the existence of a quorum.

OFFICERS PRESENT: Darlene L. Burcham, City Manager; William M. Hackworth, City Attorney; Jesse A. Hall, Director of Finance; and Mary F. Parker, City Clerk.

The invocation was delivered by Council Member Sherman P. Lea.

The Pledge of Allegiance to the Flag of the United States of America was led by Mayor Harris.

PRESENTATIONS AND ACKNOWLEDGEMENTS:

ACTS OF ACKNOWLEDGEMENT-SCHOOLS: The Mayor recognized the following students who participated in the City's 2005 Summer Intern Program:

Ron Miller - Rising Senior/Virginia Tech/Majoring in Business Information Technology

Miranda Diggs - Rising Senior/Radford University/Majoring in Management and Marketing

Christina Sawyer – Rising Junior/Bridgewater College/Majoring in Business Administration

Ashley Reynolds – Second Year–Law Student at William and Mary School of Law

Blake Taylor – Rising Junior/Concord University/Majoring in Criminal Justice

Rashad Hamidullah – Rising Senior/West Virginia University/Majoring in Political Science/Pre Law

Brian Muelenaer – Rising Senior/Roanoke College/Majoring in Business Administration/Marketing

Stephanie Berry – May 2005 Graduate/Point Loma Nazarene University, San Diego, California/Degree in Communications with a Minor in Psychology

Erica Peterson – Graduate Student/Radford University/Industrial Organizational Psychology Master's Program

Twyla Stephen – December 2004 Graduate/Ferrum College/BS in Accounting/Business Financial Management

Michelle Hamilton – May 2005 Graduate/Elon University/Degree in Exercise Sports Science

ACTS OF ACKNOWLEDGEMENT–DISABLED PERSONS: The Mayor presented a proclamation to Tuan Reynolds, Community Action Specialist for Blue Ridge Independent Living Center, declaring the year 2005 as Virginians With Disabilities Act and Americans With Disabilities Act Year.

CONSENT AGENDA

The Mayor advised that all matters listed under the Consent Agenda were considered to be routine by the Members of Council and would be enacted by one motion in the form, or forms, listed on the Consent Agenda, and if discussion was desired, that item would be removed from the Consent Agenda and considered separately. He called specific attention to two requests for Closed Session.

MINUTES-HOUSING/AUTHORITY: Council Member Lea requested that the minutes of the regular meeting of Council held on Monday, June 6, 2005, be removed from the Consent Agenda for discussion.

Council Member Lea advised that at the Council's Work Session on June 6, 2005, Council was briefed on a proposal to relocate administrative offices of the Roanoke Redevelopment and Housing Authority from 2624 Salem Turnpike, N. W., to Municipal North; whereupon, he requested a status report by the City Manager.

The City Manager advised that the previous briefing outlined two options; i.e.: the Housing Authority requested space on the second floor of Municipal North with a separate entrance to be provided on the Campbell Avenue side; however, since the RDHA requested 15,000 square feet of office space it was determined that sufficient space was not available on the second floor, therefore, it was necessary to locate the Housing Authority on at least two floors of Municipal North. She stated that reopening the Campbell Avenue entrance would cost in the range of \$250,000.00 due to the need for significant repairs and the probability of installing railings that would be required to meet Architectural Review Board standards given the architectural significance of Municipal North. She advised that an alternate plan was reviewed that would place the majority of Housing Authority activities on the third floor which has the largest amount of square footage of any of the floors in Municipal North, and would allow for the Housing Authority and the City's Department of Housing and Neighborhood Services to be located in close proximity, and space on the first floor adjacent to the handicap accessible ramp would also be available for Housing Authority Section 8 certification customers and others. She noted that while the space allocation may not be exactly what the Housing Authority requested, the Executive Director advises that the Housing Authority is satisfied with the proposed arrangements; Hayes, Seay, Mattern and Mattern will prepare a space allocation study and has already begun a series of one on one interviews; and all of the space is not clearly defined pending results of the space allocation study.

Minutes of the regular meeting of Council held on Monday, June 6, 2005, were before the body.

(For full text, see Minutes on file in the City Clerk's Office.)

Vice-Mayor Fitzpatrick moved that the reading of the minutes be dispensed with and that the minutes be approved as recorded. The motion was seconded by Council Member Lea and adopted by the following vote:

AYES: Council Members Wishneff, Cutler, Dowe, Fitzpatrick, Lea, McDaniel and Mayor Harris-----7.

NAYS: None-----0.

COMMITTEES-CITY COUNCIL: A communication from Mayor C. Nelson Harris requesting that Council convene in a Closed Meeting to discuss vacancies on certain authorities, boards, commissions and committees appointed by Council, pursuant to Section 2.2-3711 (A)(1), Code of Virginia (1950), as amended, was before the body.

Vice-Mayor Fitzpatrick moved that Council concur in the request of the Mayor to convene in a Closed Meeting as above described. The motion was seconded by Council Member Lea and adopted by the following vote:

AYES: Council Members Wishneff, Cutler, Dowe, Fitzpatrick, Lea, McDaniel and Mayor Harris-----7.

NAYS: None-----0.

AUDIT COMMITTEE: Minutes of a meeting of the Audit Committee which was held on Monday, June 20, 2005, were before the body.

Topics of discussion included: Internal Audit Report, Police Property Room, Street Lighting, Municipal Auditing 2006 Annual Plan, KPMG External Audit-Fiscal Year 2005-Audit Committee Planning Meeting.

Vice-Mayor Fitzpatrick moved that the minutes be received and filed. The motion was seconded by Council Member Lea and adopted by the following vote:

AYES: Council Members Wishneff, Cutler, Dowe, Fitzpatrick, Lea, McDaniel and Mayor Harris-----7.

NAYS: None-----0.

CITY COUNCIL-LEASES-COMMONWEALTH OF VIRGINIA BUILDING: A communication from the City Manager requesting that Council schedule a public hearing for Monday, August 15, 2005, at 7:00 p.m., or as soon thereafter as the matter may be heard, with regard to execution of a new lease with the United States General Services Administration for office space in the Commonwealth Building, was before the body.

It was advised that the United States of America General Services Administration (GSA) has leased space in the Commonwealth Building, 220 Church Avenue, S. W., since February 1986; and the City proposes to enter into a new lease with the GSA for 19,841 rentable square feet of office space in the Commonwealth Building for a ten-year period ending March 31, 2015, at an estimated revenue of \$2,392.845.00.

Vice-Mayor Fitzpatrick moved that Council concur in the request of the City Manager to schedule a public hearing. The motion was seconded by Council Member Lea and adopted by the following vote:

AYES: Council Members Wishneff, Cutler, Dowe, Fitzpatrick, Lea, McDaniel and Mayor Harris-----7.

NAYS: None-----0.

CITY COUNCIL-CITY PROPERTY-INDUSTRIES-HOSPITALS-LEASES: A communication from the City Manager requesting that Council schedule a public hearing for Monday, August 15, 2005, at 7:00 p.m., or as soon thereafter as the matter may be heard, in connection with execution of a new lease with Carilion Bio Medical Institute for office space at 111 - 117 Church Avenue, S. W., was before the body.

Vice-Mayor Fitzpatrick moved that Council concur in the request of the City Manager to schedule a public hearing. The motion was seconded by Council Member Lea and adopted by the following vote:

AYES: Council Members Wishneff, Cutler, Dowe, Fitzpatrick, Lea, McDaniel and Mayor Harris-----7.

NAYS: None-----0.

CITY COUNCIL: A communication from the City Manager requesting that Council convene in Closed Meeting to discuss the disposition of publicly-owned property, where discussion in open meeting would adversely affect the bargaining position or negotiating strategy of the City, pursuant to Section 2.2-3711 (A)(3), Code of Virginia (1950), as amended, was before the body.

Vice-Mayor Fitzpatrick moved that Council concur in the request of the City Manager as above described. The motion was seconded by Council Member Lea and adopted by the following vote:

AYES: Council Members Wishneff, Cutler, Dowe, Fitzpatrick, Lea, McDaniel and Mayor Harris-----7.

NAYS: None-----0.

PARKS AND RECREATION-COMMITTEES-ROANOKE ARTS COMMISSION-COURT COMMUNITY CORRECTIONS BOARD-CONVENTION OF VISITORS BUREAU-GREENWAY SYSTEMS: A report of qualification of the following persons, was before Council:

Barry W. Baird as a member of the Roanoke Valley Greenway Commission, for a term ending June 30, 2008;

John B. Ferguson as a member of the Court Community Corrections Program Regional Community Criminal Justice Board, for a term ending June 30, 2008;

Betty Field, Louise F. Kegley, Carl H. Koptizke, Michael A. Loveman and E. C. Pace, III, as members of the Mill Mountain Advisory Committee, for terms ending June 30, 2008;

Cathy C. Greenberg as a member of the Roanoke Arts Commission, to fill the unexpired term of Courtney A. Penn, resigned, ending June 30, 2007;

Thomas Pettigrew as a member of the Parks and Recreation Advisory Board, for a term ending March 31, 2008; and

Barton J. Wilner as a member of the Roanoke Valley Convention and Visitors Bureau, for a term ending June 30, 2006.

Vice-Mayor Fitzpatrick moved that the reports of qualification be received and filed. The motion was seconded by Council Member Lea and adopted by the following vote:

AYES: Council Members Wishneff, Cutler, Dowe, Fitzpatrick, Lea, McDaniel and Mayor Harris-----7.

NAYS: None-----0.

REGULAR AGENDA

PUBLIC HEARINGS: NONE.

PETITIONS AND COMMUNICATIONS:

SEWERS AND STORM DRAINS–BUILDINGS/BUILDING DEPARTMENT: Ms. Suzanne Osborne, 1702 Blair Road, S. W., addressed Council with regard to the City's requirement for backflow testing on residential lawn sprinkling systems, which affects approximately 70 residents of the City of Roanoke. She stated that the City has not previously required annual backflow testing, however, pursuant to a communication from Roy McFarland, Jr., Building Inspections Department, dated March 15, 2005, residents were given until April 30 to comply. She advised that attached to Mr. McFarland's letter was a list of 12 – 15 certified testers; however, there are no listings in the yellow pages of the telephone directory for certified backflow testers. She stated that sources referenced by Mr. McFarland, quoted a price ranging from \$90.00 an hour to a flat fee of \$250.00, plus a \$35.00 permit fee; and \$90.00 to \$250.00 is a large spread, in addition to the \$35.00 permit fee, for a system that may be used approximately six months out of the year. She added that according to the Technical Service Manager, Virginia Building Permit Department, backflow testing is not a State mandated requirement, but is optional by locality. She advised that if the City of Roanoke wishes to require that residential lawn irrigation systems be tested annually, it should be done at the City's expense and not at the expense of the property owner. Therefore, she requested that Council instruct the City Manager to give further consideration to the matter.

Council Member Wishneff advised that two questions should be addressed; i.e.: is the requirement for backflow testing mandated by the State and what is the role of the Western Virginia Water Authority.

The City Manager advised that prior to creation of the Western Virginia Water Authority, the City of Roanoke and Roanoke County adopted the requirement for backflow testing.

Council Member Cutler advised that as Chair of the Western Virginia Water Authority, he would obtain information with regard to backflow testing.

Vice-Mayor Fitzpatrick advised that in addition to the information requested by Council Member Wishneff, he would like to know if property owners were appropriately notified, the fairness of the policy, and a broad overview of backflow device testing.

Following further discussion and without objection by Council, the Mayor advised that the matter would be referred to the City Attorney for an opinion on whether testing of backflow prevention devices is mandatory for all jurisdiction in the Commonwealth of Virginia and to the City Manager for an overview of the City's policy regarding backflow testing.

REPORTS OF OFFICERS:

CITY MANAGER:

BRIEFINGS:

The City Manager introduced Nancy Snodgrass, Zoning Administrator, for a briefing on the proposed new Zoning Ordinance.

Ms. Snodgrass advised that the City of Roanoke initiated a process to develop an entirely new Zoning Ordinance and Zoning Map in June 2002 which would be consistent with and implement policies of Vision 2001-2020, the City's Comprehensive Plan. She advised that:

- The City's current Zoning Ordinance was adopted in 1987; Vision 2001 which was adopted in August 2001, set a comprehensive new direction for the City in terms of development patterns, urban design, protection of residential neighborhoods, preservation of recreation lands and open spaces, tree canopy, impervious surfaces, off street parking, and signage.
- The new direction was driven by more than 2,000 residents and businesses who participated in development of the Comprehensive Plan.
- The process to comprehensively rewrite the City's Zoning Ordinance incorporated and has continued to incorporate significant citizen participation; a 20 member steering committee was appointed in the summer of 2002 that provided direction for development of the new

ordinance, reviewed and revised draft regulations, and provided ongoing feedback; the committee was comprised of representatives from focus groups that were convened during the initial phase of the process, as well as representatives from City Council, the City Planning Commission, Board of Zoning Appeals, Architectural Review Board, and City staff.

- In February, 2004, 18 months into the process, the steering committee released the public discussion draft that was intended to generate discussion and further public input; at that same time staff released the public discussion draft of a proposed Zoning Map that applied the designations of the ordinance draft.
- Release of public discussion drafts, including posting on the City's website, initiated a four month public discussion phase that resulted in more than 1,100 comments via letters and e-mails, 11 structured focus group work sessions, six public open houses, and numerous staff meetings with or presentations to various neighborhoods and civic organizations, such as Downtown Roanoke, Inc., the Williamson Road Area Business Association, Roanoke Valley Chamber of Commerce, Neighbors in South Roanoke, Old Southwest, Inc., and the Gainsboro Steering Committee.
- Following the public discussion phase, staff organized all 1,100 comments into a lengthy spreadsheet, researched alternatives or revised regulations, and benchmarked draft sign and landscaping regulations with other jurisdictions.
- For six months, beginning in June of 2004, the steering committee met weekly to consider all 1,100 comments and to recommend changes to the draft documents.
- In December 2004, the steering committee presented the draft Zoning Ordinance to the City Planning Commission; the document represented a two and one half year effort by committee members that included in-depth discussions of regulatory concepts relative to Vision 2001-2020, and direct involvement in reviewing and revising draft regulations; meetings represent more than 1,500 person hours volunteered by committee members, not to mention significant individual time devoted to studying drafts, public comments, and benchmarking surveys.

- The committee's draft was posted on the City's website in December 2004 in a strike/highlight format that utilized the February 2004 public discussion draft as its base, making changes from the draft readily identifiable.
- A 40 page spreadsheet of comments received and how the committee draft responded to the comments was also made available on the website and through the Planning Department.
- Since release in December, the committee's draft has been available for public review, and staff has continued to meet with various civic and neighborhood organizations such as Valley Beautiful, WRABA, Old Southwest, Inc. and the Gilmer neighborhood.
- The steering committee's draft ordinance became the public hearing document that will go before the City Planning Commission on July 28, 2005.
- With completion of the committee's draft ordinance, staff continued to work on the new Zoning Map, which delineates zoning districts created by the proposed Zoning Ordinance.
- Because the proposed ordinance establishes a new zoning classification system, the proposed Zoning Map represents a comprehensive rezoning of the City.
- Since release of the initial Zoning Map proposal in February 2004, staff has reviewed and considered each comment received on the proposed zoning map until release of the public hearing map in mid May.
- In preparation for the City Planning Commission's public hearings, staff has worked closely with the City Attorney's Office to determine logistics and content of public notification and it is believed that the City of Roanoke has done more than any other jurisdiction in the Commonwealth of Virginia to give legal notice and individual property owner notification.

- An eight page legal ad supplement was, or will be, included in *The Roanoke Times* on July 12 and July 19, 2005, which includes a descriptive summary of the proposed ordinance and zoning map, both base districts and overlay districts.
- Because the proposed zoning ordinance establishes certain new districts and changes specific definitions and regulations of certain districts, and because all properties in the City of Roanoke will be assigned a new zoning classification, more than 43,000 notices were mailed to owners of every tax parcel in the City of Roanoke on Thursday, July 14, including a letter outlining the City's intent to consider a new zoning ordinance and map, setting forth the time and place of the City Planning Commission's public hearing and explaining how to determine the proposed zoning of a specific property.
- While all notification packets included the same cover letter and a descriptive summary of the entire ordinance, each packet also contained a descriptive summary of the base district proposed for that specific property and a descriptive summary of any applicable overlay district; the mailing label identifies the tax parcel and the proposed zoning of the property, both base and any applicable overlay.
- Because regulations and language of the Zoning Ordinance are not easily understood, the Planning Department telephone number is included in the mailing, and citizens are encouraged to call staff to address questions regarding a specific property.
- It is important that citizens understand that all existing uses will be grandfathered as provided by law, and current uses of most parcels will not be affected by provisions of the proposed ordinance unless and until current use of the property is changed or redeveloped.
- The City Planning Commission will hold public hearings on the proposed Zoning Ordinance and map on Thursday, July 28, 2005, in the City Council Chamber at 4:00 p.m.; no recommendation will be made by the Planning Commission at that time; after public hearings are closed, staff will compile and organize all public hearing comments in a format that will allow the Planning Commission to consider all comments and the proposed ordinance and map in a systematic manner; the Planning Commission will meet in weekly evening work sessions until it is ready to make a recommendation on the Zoning Ordinance and map to Council.

- A series of weekly work sessions have been scheduled throughout the month of August.
- When the Planning Commission is ready to forward its recommendation to City Council, two legal ad supplements that represent the Planning Commission's recommended versions of the ordinance and map will be published in *The Roanoke Times* prior to the Council's public hearing.

Members of Council expressed appreciation to the Zoning Ordinance Steering Committee, the Zoning Administrator and the Department of Planning and Code Enforcement for their commitment to updating the City's Zoning Ordinance.

ITEMS RECOMMENDED FOR ACTION:

BUDGET-GRANTS: The City Manager submitted a communication advising that notification was received from the Commonwealth of Virginia Commission for the Arts (Commission) that a \$5,000.00 Local Government Challenge Grant was awarded to the City of Roanoke; and application for the grant was made at the request of the Arts Council of Roanoke Valley, Mill Mountain Theatre, Opera Roanoke, Roanoke Symphony Orchestra, Roanoke Ballet Theatre, Inc., and Young Audiences of Virginia.

It was further advised that in order to receive the funds, the Commission for the Arts must obtain written confirmation that local tax revenue dollars will be used to match or exceed the amount of the grant; and for fiscal year 2005-2006, the above referenced organizations will receive local funding as recommended by the Roanoke Arts Commission and approved by Council on June 6, 2005, in the following amounts:

Arts Council of Blue Ridge	\$14,880.00
Mill Mountain Theatre	13,830.00
Opera Roanoke	9,300.00
Roanoke Symphony Orchestra	29,500.00
Young Audiences of Virginia	4,665.00
Roanoke Ballet Theatre, Inc.	6,380.00

It was noted that grant funds will be distributed to the above referenced sponsoring agencies in the amount of approximately \$833.00 each.

The City Manager recommended that she be authorized to execute the necessary documents for acceptance of the grant, subject to approval as to form by the City Attorney; and that Council adopt a budget ordinance appropriating \$5,000.00 in State grant funds and create a corresponding revenue estimate in accounts to be established by the Director of Finance in the Grant Fund entitled "Challenge Grant FY 06".

Council Member Dowe offered the following budget ordinance:

(#37117-071805) AN ORDINANCE to establish the Local Government Challenge Grant, amending and reordaining certain sections of the 2005-2006 Grant Fund Appropriations, and dispensing with the second reading by title of this ordinance.

(For full text of ordinance, see Ordinance Book No. 69, Page 497.)

Council Member Dowe moved the adoption of Ordinance No. 37117-071805. The motion was seconded by Council Member McDaniel and adopted by the following vote:

AYES: Council Members Wishneff, Cutler, Dowe, Fitzpatrick, Lea, McDaniel and Mayor Harris-----7.

NAYS: None-----0.

Council Member Dowe offered the following resolution:

(#37118-071805) A RESOLUTION authorizing the acceptance of Local Government Challenge Grant No. 06-0322 from the Virginia Commission for the Arts, upon certain terms and conditions.

(For full text of resolution, see Resolution Book No. 69, Page 497.)

Council Member Dowe moved the adoption of Resolution No. 37118-071805. The motion was seconded by Vice-Mayor Fitzpatrick and adopted by the following vote:

AYES: Council Members Wishneff, Cutler, Dowe, Fitzpatrick, Lea, McDaniel and Mayor Harris-----7.

NAYS: None-----0.

POLICE DEPARTMENT-BUDGET-NEIGHBORHOOD ORGANIZATIONS-GRANTS:
The City Manager submitted a communication advising that the City of Roanoke was awarded grant funds, in the amount of \$100,000.00, by the U. S. Department of Justice through the Project Safe Neighborhoods Grant Program which is administered through the Virginia Association of Chiefs of Police (VACP).

It was further advised that grant funds must be used by the Police Department to address gun trafficking and juvenile gang crime; and specific plans for funding include augmentation of neighborhood bicycle patrols, juvenile programs, and replacement of police bicycles and several in-car digital video cameras.

The City Manager recommended that she be authorized to execute the grant agreement and any related documents, subject to approval as to form by the City Attorney; and that Council accept the Project Safe Neighborhoods Grant of \$100,000.00 from the U. S. Department of Justice; adopt an ordinance appropriating \$100,000.00, as follows, to accounts to be established by the Director of Finance in the Grant Fund and establish a revenue estimate in the same amount in the Grant Fund.

Overtime	\$46,445.00
FICA	3,555.00
Expendable Equipment	33,000.00
Fees for Professional Services	16,000.00
Administrative Supplies	<u>1,000.00</u>
Total	\$ 100,000.00

Vice-Mayor Fitzpatrick offered the following budget ordinance:

(#37119-071805) AN ORDINANCE to appropriate funding for the Project Safe Neighborhoods Grant, amending and reordaining certain sections of the 2005-2006 Grant Funds Appropriations, and dispensing with the second reading by title of this ordinance.

(For full text of ordinance, see Ordinance Book No. 69, Page 498.)

Vice-Mayor Fitzpatrick moved the adoption of Ordinance No. 37119-071805. The motion was seconded by Council Member McDaniel.

Mr. Shaheed Omar, 1219 Loudon Avenue, N. W., advised that while it is important to apprehend drug dealers, it is also important to address the needs of those persons who are addicted to drugs. He stated that the City of Roanoke offers one detoxification facility where low income persons may receive treatment, however, the number of beds are limited and due to lack of space, drug users are turned away and left to deal with their addiction on their own. He advised that more treatment facilities and detox beds are needed in order to help drug addicts break the habit which will, in turn, reduce the City's crime rate.

Upon question, the City Manager advised that the matter referenced by Mr. Omar has been identified as an issue, however, she was not prepared to respond at this time. She stated that staff will research the issue to identify available options and advise Council accordingly. She explained that the Project Safe Neighborhood Grant is not intended to be used for ongoing issues such as those referenced by Mr. Omar.

Ordinance No. 37119-071805 was adopted by the following vote:

AYES: Council Members Wishneff, Cutler, Dowe, Fitzpatrick, Lea, McDaniel and Mayor Harris-----7.

NAYS: None-----0.

Vice-Mayor Fitzpatrick offered the following resolution:

(#37120-071805) A RESOLUTION authorizing the acceptance of a Project Safe Neighborhoods Grant from the U. S. Department of Justice, and authorizing execution of any required documentation on behalf of the City.

(For full text of resolution, see Resolution Book No. 69, Page 499.)

Vice-Mayor Fitzpatrick moved the adoption of Resolution No. 37120-071805. The motion was seconded by Council Member Dowe and adopted by the following vote:

AYES: Council Members Wishneff, Cutler, Dowe, Fitzpatrick, Lea, McDaniel and Mayor Harris-----7.

NAYS: None-----0.

BUDGET-GRANTS-ENTERPRISE ZONE-ECONOMIC DEVELOPMENT: The City Manager submitted a communication advising that the City of Roanoke has two Enterprise Zones, One A and Two; only Enterprise Zone One A provides a facade grant incentive through the Industrial Development Authority of the City of Roanoke; those projects intended to refurbish the exterior of a building facing a street are eligible for one third of the cost of rehabilitation, up to a maximum of \$25,000.00 per project; in fiscal year 2005, \$103,240.21 was distributed in facade grants, resulting in almost \$1 million in improvements; all funds in the account are expended on a yearly basis; and according to the Enterprise Zone application, facade grants require a yearly appropriation of \$100,000.00.

The City Manager recommended that Council adopt an ordinance appropriating funds in the amount of \$100,000.00 for facade grants from the Economic and Community Development Reserve to Account No. 08-310-9736-9003, Facade Grants.

Council Member Dowe offered the following budget ordinance:

(#37121-071805) AN ORDINANCE to appropriate funding from the Economic and Community Development Reserve for Facade Grants in the Enterprise Zone One A Project, amending and reordaining certain sections of the 2005-2006 Capital Projects Fund Appropriations, and dispensing with the second reading by title of this ordinance.

(For full text of ordinance, see Ordinance Book No. 69, Page 500.)

Council Member Dowe moved the adoption of Ordinance No. 37121-071805. The motion was seconded by Vice-Mayor Fitzpatrick.

Council Member Wishneff advised that Brian J. Wishneff and Associates serves as consultant for the Culinary School project, therefore, he would abstain from voting on the ordinance inasmuch as the project may be a candidate for facade grant funding.

Ordinance No. 37121-071805 was adopted by the following vote:

AYES: Council Members Cutler, Dowe, Fitzpatrick, Lea, McDaniel and Mayor Harris-----6.

NAYS: None-----0.

(Council Member Wishneff abstained from voting.)

HUMAN DEVELOPMENT-GRANTS: The City Manager submitted a communication advising that the City of Roanoke is grant recipient for Workforce Investment Act (WIA) funding, thus, City Council must appropriate funds for all grants and other monies received in order for the Western Virginia Workforce Development Board administers the Federally funded Work Force Investment Act (WIA) for Area 3, which encompasses the Counties of Alleghany, Botetourt, Craig, Franklin, and Roanoke, and the Cities of Covington, Roanoke, and Salem.

It was further advised that WIA funding is intended for four primary client populations:

- Dislocated workers who have been laid off from employment through no fault of their own;
- Economically disadvantaged individuals as determined by household income guidelines defined by the U. S. Department of Labor;
- Youth who are economically disadvantaged, or have other barriers to becoming successfully employed adults; and
- Businesses in need of employment and job training services.

It was further advised that the Virginia Employment Commission (VEC) has submitted a WIA agreement for the City of Roanoke to continue to serve as the grant recipient for WIA Area 3 to be operated by the Western Virginia Workforce Development Board.

The City Manager recommended that she be authorized to execute the required Grant Agreement with the Virginia Employment Commission for Program Year 2006.

Council Member McDaniel offered the following resolution:

“A RESOLUTION authorizing the City Manager to execute the Grant Agreement with the Virginia Employment Commission for Program Year 2006 in order for the City to continue as the grant recipient of funding for the Workforce Investment Act for Area 3”.

Council Member McDaniel moved the adoption of the resolution. The motion was seconded by Vice-Mayor Fitzpatrick.

Council Member Lea referred to an article in the Sunday, July 17, 2005 edition of *The Roanoke Times* which indicated that the Workforce Board was hastily reorganized without sensitivity toward diversity. He stated that actions of the Workforce Board are of concern to him as one member of City Council and he would like the assurance that the Workforce Board will act in accordance with established guidelines and with integrity and a sensitivity toward diversity. Therefore, he requested that the City Attorney be instructed to address the issue of liability, if any, to the City of Roanoke in its capacity as grant recipient of funds and legal requirements for Workforce Board structure.

Council Member Lea moved that a representative of Total Action Against Poverty (TAP) and TAP's This Valley Works Program be reinstated to the Workforce Board, and that the Workforce Board be directed to proceed immediately to create a diverse workforce.

The motion was seconded by Council Member Dowe.

The Mayor advised that a resolution is currently on the floor and parliamentary procedure prevents introduction of another motion while an existing motion is on the floor.

Following discussion of the matter in which Council Member Lea indicated that he would prefer a response by the City Attorney to his questions prior to voting on the resolution.

The Mayor called on the City Manager for response as to whether adoption of the resolution is time sensitive; whereupon, the City Manager advised that prior to responding to the question, she would like to confer with appropriate officials of the Virginia Employment Commission. In response to Council Member Lea's questions, she advised that while the City of Roanoke is the fiscal agent and has been the fiscal agent for many years for the program under consideration and previous programs, the City of Roanoke is only one jurisdiction out of the region that is responsible for making policy decisions; and as the City of Roanoke's current designee to the Workforce Board she would make the Board aware of concerns expressed by Council Member Lea.

The Director of Finance was requested to comment on the City's level of responsibility in its role as fiscal agent; whereupon, he advised that as fiscal agent, the City receives funds which are passed on to subgrantees and, in general, the City has the responsibility to assure that funds are spent according to program guidelines.

Vice-Mayor Fitzpatrick spoke in favor of adopting the resolution which would enable funds to flow to the Virginia Employment Commission to address the needs of dislocated workers who have been laid off from employment. At the same time, he stated that the City Manager could address the questions/concerns expressed by Council Member Lea and any other pertinent information that may be necessary.

Council Member Dowe expressed a reluctance to vote for the resolution until the questions raised by Council Member Lea have been addressed. He stated that he is concerned with not only the issue of diversity, but because certain people of color who brought expertise not only to the Workforce Investment Board, but to any organization on which they might serve, were removed from the Workforce Board.

Prior to making a decision with regard to the City of Roanoke continuing to serve as fiscal agent, Council Member Wishneff suggested that the City study the feasibility of administering the program in house.

Following further discussion, it was the consensus of Council that action on the resolution would be tabled until the end of the 2:00 p.m. Council session pending a response by staff to the questions/concerns expressed by Council Member Lea.

PURCHASE/SALE OF PROPERTY-HEALTH DEPARTMENT-GRANTS: The City Manager submitted a communication advising that Kuumba Community Health & Wellness Center, Inc., is a Federally qualified community health center, with a mission to increase access to affordable, high quality, comprehensive and preventive health care that is culturally sensitive for the citizens of the Roanoke Valley; Kuumba Community Health & Wellness Center, Inc., was established in 1999, and the first clients were served in December 2000; since that time, Kuumba has become known as one of a few safety net providers of primary health care in the area; Kuumba leases the site of the current facility located at 3716 Melrose Avenue, N. W., from the William A. Hunton Branch YMCA; and to allow for facility expansion and future staffing increases in order to serve more clients and to offer a broader array of health services, Kuumba applied for Community Development Block Grant (CDBG) funds to acquire the property at 3716 Melrose Avenue, N. W.

It was further advised that Kuumba will begin a capital campaign to raise funds to construct a new facility on the same site; on May 10, 2005, Council authorized Kuumba-New Facility, pursuant to Resolution No. 37051-051005, which approved the Five Year Consolidated Plan for 2005-2010, including the Fiscal Year 2005-2006 One Year Action Plan, for submission to the U. S. Department of Housing and Urban Development (HUD); and \$125,000.00 of 2005-2006 CDBG funds was appropriated for Kuumba-New Facility on June 20, 2005, pursuant to Ordinance No. 37086-062005 and Resolution No. 37087-062005, pending receipt of a letter of approval from HUD.

It was stated that in order for Kuumba to proceed with acquisition of the property located at 3716 Melrose Avenue, N. W., authorization by Council is needed to execute a subgrant agreement; CDBG funding is available in Account No. 35-G06-0637-5475 and will be provided to Kuumba to assist with acquisition of and costs associated with purchase of the property; and it is anticipated that Kuumba will increase the number of low-to-moderate income clients to be served once the new facility is constructed.

The City Manager recommended that she be authorized to execute the 2005-2006 CDBG Subgrant Agreement with Kuumba Community Health & Wellness Center, Inc., subject to approval as to form by the City Attorney.

Council Member Dowe offered the following resolution:

(#37122-071805) A RESOLUTION authorizing the City Manager to execute a CDBG-funded Agreement, and any necessary amendments thereto, with Kuumba Community Health & Wellness Center, Inc., providing \$125,000.00 of Community Development Block Grant (CDBG) funds to assist with the acquisition of, and costs associated with, the purchase of property located at 3716 Melrose Avenue, N. W., Roanoke, Virginia.

(For full text of resolution, see Resolution Book No. 69, Page 500.)

Council Member Dowe moved the adoption of Resolution No. 37122-071805. The motion was seconded by Council Member Cutler and adopted by the following vote:

AYES: Council Members Wishneff, Cutler, Dowe, Fitzpatrick, Lea, McDaniel and Mayor Harris-----7.

NAYS: None-----0.

FIRE DEPARTMENT-ENVIRONMENTAL POLICY: The City Manager submitted a communication advising that the City of Roanoke has enrolled the site of the new Fire Station/Administration Building located at 704 Franklin Road, S. W., in the Virginia Department of Environmental Quality's (VDEQ) Voluntary Remediation Program (VRP); and due to past use of a portion of the site as a dry cleaning operation, the City's decision to enter the site into the VRP provides the City of Roanoke with certain immunities under Virginia law with regard to waste management and air and water quality.

It was further advised that a stipulation for participation in the VRP was the City's agreement to a Declaration of Restrictive Covenants associated with the property that permits groundwater beneath the property to be used only for environmental monitoring and testing and that the property shall not be used for residential purposes or for a child daycare facility, schools or playground purposes; and the residential exclusion does not apply to the use of the property for a fully-staffed Fire Station/Administration Building.

The City Manager recommended that she be authorized to execute a Declaration of Restrictive Covenants and any documentation required by the Virginia Department of Environmental Quality and such other documents as may be necessary to obtain VDEQ approval under the Volunteer Remediation Program.

Council Member Cutler offered the following ordinance:

(#37123-071805) AN ORDINANCE authorizing the City Manager to execute a Declaration of Restrictive Covenants and Certification of Satisfactory Completion of Remediation and any documentation required by the Virginia Department of Environmental Quality (VDEQ) and take such further action as may be needed to obtain the VDEQ approval for a Certification of Satisfactory Completion of Remediation for certain City owned property located at 704 Franklin Road, S. W., containing approximately 0.77 acre, and being Official Tax Map No. 1020310; and dispensing with the second reading by title of this ordinance.

(For full text of ordinance, see Ordinance Book No. 69, Page 501.)

Council Member Cutler moved the adoption of Ordinance No. 37123-071805. The motion was seconded by Vice-Mayor Fitzpatrick.

Council Member Wishneff advised that he would vote in favor of the ordinance because it is an important step to take regardless of how the site is used; however, he reiterated his opposition to the closing of Fire Station No. 1 in downtown Roanoke and the relocation of Fire Station No. 1 to the proposed site on Franklin Road which does not provide a good location for a fire station due to poor access to the site. He stated that caution should be exercised when taking prime real estate at intersections off the City's tax roles. At a future Council meeting, he requested a briefing on the status of the fire station project, a discussion with regard to the wisdom of closing Fire Station No. 1 in downtown Roanoke as a fire station and a poll by those persons/businesses served by Fire Station No. 1.

Ordinance No. 37123-071805 was adopted by the following vote:

AYES: Council Members Wishneff, Cutler, Dowe, Fitzpatrick, Lea, McDaniel and Mayor Harris-----7.

NAYS: None-----0.

STATE HIGHWAYS: The City Manager submitted a communication advising that as part of the effort to complete the Final Environmental Impact Statement for the I-73 Location Study, the Virginia Department of Transportation (VDOT) has developed a Programmatic Agreement that enumerates responsibilities of the signatories in implementing various stipulations of the Programmatic Agreement to resolve adverse effects to the Blue Ridge Parkway; and the City of Roanoke is one of several consulting parties involved in the process of evaluating potential impacts to the Blue Ridge Parkway.

It was further advised that the Federal Highway Administration (FHWA) and VDOT intend to address potential adverse effects through implementation of a Memorandum of Agreement (MOA) developed in consultation with consulting parties identified for the project by the FHWA; a draft MOA was issued in October 2004, followed by a revised draft MOA issued in April 2005; all comments from consulting parties were addressed and incorporated and at this time, the FHWA has determined that based on comments received on the revised draft MOA, no further substantive changes to the agreement document have been made; and the FHWA now requests signatures on the final Programmatic Agreement for the I-73 Corridor Project.

With regard to the Blue Ridge Parkway (BRP) crossing design, it was explained that the Agreement stipulates, in part, that "The VDOT shall implement the Project so that the major features of the Interstate 73 crossing of the BRP include a divided median interstate with six traffic lanes that will be maintained within the existing 160-foot-wide dedicated right-of-way of Route 220; no direct connection between Interstate 73 and the BRP shall be constructed in the current location of the Route 220 and BRP interchange; as desired by the NPS-BRP, VDOT shall remove the existing access connection between Route 220 and the BRP upon initiation of construction of the section of the Project crossing the BRP; VDOT shall remit to the NPS-BRP at the time of said construction the amount of cost savings to the Project that result from the decision not to restore the existing access (savings equal to the amount design and construction of the access ramps would cost if access were restored); the NPS-BRP shall apply this money to the design and construction of an access connection to the BRP at another location in the Clearbrook area of Roanoke County between BRP mileposts 120 and 123; and the location will be determined by the NPS-BRP in consultation with Roanoke County and the City of Roanoke".

The City Manager recommended that Council authorize the Mayor to execute the agreement, which is binding on the City for 20 years.

Council Member Cutler offered the following resolution:

(#37124-071805) A RESOLUTION authorizing the Mayor to execute an I-73 Programmatic Agreement with the Federal Highway Administration (FHWA), the Advisory Council on Historic Preservation, the Virginia State Historic Preservation Officer, the Virginia Department of Transportation, the National Park Service, and Roanoke County, regarding the Interstate 73 Corridor proposed to run through the City of Roanoke, such agreement containing provisions seeking to resolve any adverse effects this undertaking may have on the Blue Ridge Parkway or other historic properties.

(For full text of resolution, see Resolution Book No. 69, Page 502.)

Council Member Cutler moved the adoption of Resolution No. 37124-071805. The motion was seconded by Council Member McDaniel and adopted by the following vote:

AYES: Council Members Wishneff, Cutler, Dowe, Fitzpatrick, Lea, McDaniel and Mayor Harris-----7.

NAYS: None-----0.

BUDGET-MILL MOUNTAIN THEATER: The City Manager submitted a communication advising that during Fiscal Year 2005-2006 Budget Study, Council was briefed on a funding request of Mill Mountain Theater; and as a part of the briefing and subsequent discussion, staff provided Council with a recommendation which included the provision of \$200,000.00 for capital improvements over four years as a part of the fiscal year 2005-2006 Capital Maintenance and Equipment Replacement Program (CMERP).

It was further advised that Mill Mountain Theater requested consideration for allocation of \$125,000.00 in the first year and \$25,000.00 each year for three subsequent years; Mill Mountain Theater also requested that funding be made available in July in order to make the capital improvements during the off-season; and in order to facilitate provision of the funding in July, it will be necessary to front fund the allocation from the Capital Project Contingency with reimbursement from the Capital Maintenance and Equipment Replacement Program.

The City Manager recommended that Council authorize transfer of \$125,000.00 from Capital Project Contingency, Account No. 08-530-9575-9178, to an account to be established by the Director of Finance in the Capital Projects Fund.

Vice-Mayor Fitzpatrick offered the following budget ordinance:

(#37125-071805) AN ORDINANCE to transfer funding from Capital Improvement Reserve for the Mill Mountain Theater, amending and reordaining certain sections of the 2005-2006 Capital Projects Fund Appropriations, and dispensing with the second reading by title of this ordinance.

(For full text of ordinance, see Ordinance Book No. 69, Page 504.)

Vice-Mayor Fitzpatrick moved the adoption of Ordinance No. 37125-071805. The motion was seconded by Council Member Dowe and adopted by the following vote:

AYES: Council Members Wishneff, Cutler, Dowe, Fitzpatrick, Lea, McDaniel and Mayor Harris-----7.

NAYS: None-----0.

REPORTS OF COMMITTEES: NONE.

UNFINISHED BUSINESS: NONE.

INTRODUCTION AND CONSIDERATION OF ORDINANCES AND RESOLUTIONS:
NONE.

MOTIONS AND MISCELLANEOUS BUSINESS:

INQUIRIES AND/OR COMMENTS BY THE MAYOR AND MEMBERS OF COUNCIL:

ACTS OF ACKNOWLEDGEMENT-CITY INFORMATION SYSTEMS: Council Member Cutler congratulated the City's Public Information Officer in connection with an article that was published in the *Virginia Town and City* magazine entitled, "World Comes to Downtown Roanoke Via Wire-less Internet Technology".

PARKS AND RECREATION-BICYCLISTS: Council Member Cutler referred to two events that were held during the past weekend; i.e.: competitive mountain biking events at Carvins Cove Natural Reserve and Mill Mountain Park and the Mill Mountain Hill Climb from Belleview and Walnut Avenues to the Mill Mountain Star. He advised that the events demonstrate that the City of Roanoke is a bicycle friendly community.

YOUTH: Council Member Lea advised that he represented the City of Roanoke at the closing ceremony of World Changers. He called attention to and commended the level of excitement that was exhibited by the young people who participated in the program.

YOUTH: Council Member McDaniel spoke in support of implementation by area churches and other organizations of a home-based World Changers program in the Roanoke community.

ACTS OF ACKNOWLEDGMENT-VA AMATEUR SPORTS/COMMONWEALTH GAMES: On behalf of the City of Roanoke, Council Member Dowe advised that he accepted an award from Virginia Amateur Sports in recognition of the City of Roanoke's 2005 sponsorship of the Virginia Commonwealth Games which were held on July 15-17, 2005, in the Roanoke Valley.

REFUSE COLLECTION: Council Member Wishneff presented the City Manager with photographs of various types of trash receptacles that were taken by a citizen of Roanoke while vacationing in Europe.

ACTS OF ACKNOWLEDGEMENT-CITY COUNCIL: The Mayor advised that July 1, 2005, marked the beginning of his second year as Mayor; whereupon, he expressed appreciation to the Members of Council for their support by representing the City of Roanoke at various community events and activities, all of which is a testament to the commitment of Council Members to the citizens of Roanoke.

HEARING OF CITIZENS UPON PUBLIC MATTERS: The Mayor advised that Council sets this time as a priority for citizens to be heard and matters requiring referral to the City Manager will be referred immediately for response, recommendation or report to Council.

POLICE DEPARTMENT-CITY MANAGER-CITY COUNCIL: Mr. Shaheed Omar, 1219 Loudon Avenue, N. W., advised that as a result of his recent appearance before Council with regard to alleged police brutality and the City's police complaint process, he received a communication from the City Manager responding to certain suggestions. He stated that it is hoped that this will mark the beginning of dialogue regarding the police complaint process and urged that Council review the City Manager's letter and provide input with regard to proposed suggestions.

ARMORY/STADIUM: Mr. Jim Fields, 17 Ridgecrest Road, Hardy, Virginia, spoke with regard to renovating Victory Stadium and an agreement which was entered into between Norfolk Southern Railway and the City of Roanoke with regard to maintaining Victory Stadium and the National Guard Armory. He stated that the City plans to spend \$136,000.00 to prepare Victory Stadium for high school football in the fall and suggested that instead of spending funds on temporary restroom facilities, the money could be better used toward renovation of current restrooms.

COMPLAINTS-FIRE DEPARTMENT: Ms. Josephine Hutchison, 1111 Loudon Avenue, N. W., expressed concern with regard to closing the fire station at 12th Street and Loudon Avenue, N. W. She questioned whether or not adequate notice was given to residents of the area with regard to the proposed closure and also questioned whether closing the fire station at 12th Street is a racial act.

COMPLAINTS–FIRE DEPARTMENT: Ms. Helen E. Davis, 35 Patton Avenue, N. E., spoke in opposition to closing City fire stations. She advised that petitions signed by citizens in opposition to the proposed closure have been ignored by City officials. She suggested that the City utilize the services of the Virginia Department of Fire Programs to conduct an evaluation of the Roanoke Fire Department, which is a service that has been provided to many fire departments in the Commonwealth of Virginia at no cost other than the cost of lodging, food and travel. She explained that results of the evaluation would be provided to the City Manager and the Fire Chief and would provide the Fire Chief with the necessary information to support or to modify the proposed reorganization of fire service.

SEGREGATION/INTEGRATION–COMPLAINTS: Mr. Tony Hairston, 1263 Tayloe Avenue, S. E., expressed concern with regard to race relations in the City of Roanoke. He also expressed concern with the way he was treated as a resident at the Total Action Against Poverty Transitional Living Center, and the loss of his job at a local restaurant due to racial remarks.

CITY MANAGER COMMENTS: NONE.

At 4:15 p.m., the Mayor declared the Council meeting in recess for two Closed Sessions.

At 5:10 p.m., the Council meeting reconvened in the City Council Chamber, with all Members of the Council in attendance, Mayor Harris presiding.

COUNCIL: With respect to the Closed Meeting just concluded, Council Member McDaniel moved that each Member of City Council certify to the best of his or her knowledge that: (1) only public business matters lawfully exempted from open meeting requirements under the Virginia Freedom of Information Act; and (2) only such public business matters as were identified in any motion by which any Closed Meeting was convened were heard, discussed or considered by City Council. The motion was seconded by Council Member Dowe and adopted by the following vote:

AYES: Council Members Cutler, Dowe, Fitzpatrick, Lea, McDaniel and Mayor Harris-----6.

NAYS: None-----0.

(Council Member Wishneff was not present when the vote was recorded.)

OATHS OF OFFICE-COMMITTEES-WAR MEMORIAL: The Mayor advised that the terms of office of Sloan H. Hoopes, Harold H. Worrell, Sr., Robert O. Gray, Alfred C. Moore, and Philip C. Schirmer as members of the War Memorial Committee expired on June 30, 2005; Mr. Moore has declined to serve another term; whereupon, he opened the floor for nominations to fill the vacancies.

Vice-Mayor Fitzpatrick placed in nomination the names of Sloan H. Hoopes, Harold H. Worrell, Sr., Robert O. Gray and Philip C. Schirmer.

There being no further nominations, Mr. Hoopes was reappointed for a term ending June 30, 2008, Messrs. Worrell and Gray were reappointed for terms ending June, 30, 2007, and Mr. Schirmer was reappointed for a term ending June 30, 2006, as members of the War Memorial Committee by the following vote:

FOR MESSRS. HOOPES, WORRELL, GRAY AND SCHIRMER: Council Members Cutler, Dowe, Fitzpatrick, Lea, McDaniel and Mayor Harris-----6.

(Council Member Wishneff was not present when the vote was recorded.)

(Council, by consensus, agreed to stagger the terms of office.)

OATHS OF OFFICE-COMMITTEES-LIBRARIES: The Mayor advised that there are vacancies on the Roanoke Public Library Board created by the resignation of Samuel G. Oakey, III, for a term ending June 30, 2006; expiration of the term of office of Roland H. Macher on June 30, 2005; Mr. Macher is ineligible to serve another term, whereupon, he opened the floor for nominations to fill the vacancies.

Vice-Mayor Fitzpatrick placed in nomination the names of Anne E. Caldwell and Susan Koch.

There being no further nominations, Ms. Caldwell was appointed for a term ending June 30, 2006, and Ms. Koch was appointed for a term ending June 30, 2008, as members of the Roanoke Public Library Board, by the following vote:

FOR MS. CALDWELL AND MS. KOCH: Council Members Cutler, Dowe, Fitzpatrick, Lea, McDaniel and Mayor Harris-----6.

(Council Member Wishneff was not present when the vote was recorded.)

OATHS OF OFFICE-COMMITTEES-TOWING ADVISORY BOARD: The Mayor advised that there is a vacancy on the Towing Advisory Board created by the resignation of Patrick Shumate for a term ending June 30, 2006; whereupon, he opened the floor for nominations to fill the vacancy.

Vice-Mayor Fitzpatrick placed in nomination the name of Thomas W. Ruff.

There being no further nominations, Mr. Ruff was appointed as a member of the Towing Advisory Board to fill the unexpired term of Patrick Shumate, ending June 30, 2006, by the following vote:

FOR MR. RUFF: Council Members Cutler, Dowe, Fitzpatrick, Lea, McDaniel and Mayor Harris-----6.

(Council Member Wishneff was not present when the vote was recorded.)

HUMAN DEVELOPMENT-GRANTS: Council having tabled a resolution authorizing execution of the Workforce Investment Act Grant Agreement with the Virginia Employment Commission for Program Year 2006 until conclusion of the Council's 2:00 p.m. session, Vice-Mayor Fitzpatrick moved that the matter be tabled until the 7:00 p.m. session of the Council. The motion was seconded by Council Member McDaniel and unanimously adopted.

At 5:15 p.m., the Mayor declared the Council meeting in recess to be reconvened at 7:00 p.m., in the Council Chamber.

At 7:00 p.m., on Monday, July 18, 2005, the Council meeting reconvened in the City Council Chamber, fourth floor, Noel C. Taylor Municipal Building, 215 Church Avenue, S. W., City of Roanoke, Virginia, with Vice-Mayor Beverly T. Fitzpatrick, Jr., presiding.

PRESENT: Council Members Brian J. Wishneff (arrived late), M. Rupert Cutler, Alfred T. Dowe, Jr., Sherman P. Lea, Brenda L. McDaniel and Vice-Mayor Beverly T. Fitzpatrick, Jr. -----6.

ABSENT: Mayor C. Nelson Harris-----1.

The Vice-Mayor declared the existence of a quorum.

OFFICERS PRESENT: Darlene L. Burcham, City Manager; William M. Hackworth, City Attorney, Jesse A. Hall, Director of Finance; and Mary F. Parker, City Clerk.

The invocation was delivered by Council Member Alfred T. Dowe, Jr.

The Pledge of Allegiance to the Flag of the United States of America was led by Vice-Mayor Fitzpatrick.

PUBLIC HEARINGS:

WATER RESOURCES: Pursuant to instructions by the Council, the City Clerk having advertised a public hearing for Monday, July 18, 2005, at 7:00 p.m., or as soon thereafter as the matter may be heard, on the amendment and Restated Articles of Incorporation of the Western Virginia Water Authority, changing the terms of office of members of the Board of Directors to begin on July 1, the matter was before the body.

Legal advertisement of the public hearing was published in *The Roanoke Times* on Friday, June 17, 2005.

The City Attorney submitted a written report advising that the Board of the Western Virginia Water Authority has requested that its Articles of Incorporation be amended to provide that after the terms of the present members end, the terms of their successors will commence on July 1 of the year of their appointment, rather than on March 1 as is currently the case; the stated purpose of the request is to permit members to serve through the Authority's annual budget process and not have their terms end or begin in the midst of the process; the procedure that must be followed to amend the Water Authority's Articles of Incorporation is the same as that which was followed when they were adopted in 2004; and Roanoke County and the City of Roanoke must advertise, at least 30 days in advance, a public hearing, after which the governing bodies of the localities may adopt concurrent resolutions authorizing amended Articles of Incorporation to be filed with the State Corporation Commission.

Council Member Cutler offered the following resolution:

(#37126-071805) A RESOLUTION amending and restating the Articles of Incorporation for the Western Virginia Water Authority (the "Authority").

(For full text of resolution, see Resolution Book No. 69, Page 505.)

Council Member Cutler moved the adoption of Resolution No. 37126-071805. The motion was seconded by Council Member McDaniel.

The Vice-Mayor inquired if there were persons present who would like to speak in connection with the proposed amendment. There being none, he declared the public hearing closed.

There being no questions or comments by Council Members, Resolution No. 37126-071805 was adopted by the following vote:

AYES: Council Members Cutler, Dowe, Lea, McDaniel and Vice-Mayor Fitzpatrick-----5.

NAYS: None-----0.

(Mayor Harris was absent and Council Member Wishneff was not present when the vote was recorded.)

PURCHASE/SALE OF PROPERTY-CITY PROPERTY-WATER RESOURCES:
Pursuant to instructions by the Council, the City Clerk having advertised a public hearing for Monday, July 18, 2005, at 7:00 p.m., or as soon thereafter as the matter may be heard, on the proposed conveyance of a 1.2508 acre portion of City-owned property located on Carroll Avenue, N. W., to the Western Virginia Water Authority, the matter was before the body.

Legal advertisement of the public hearing was published in *The Roanoke Times* on Monday, July 11, 2005.

The City Manager submitted a communication advising that the City of Roanoke owns property located on Carroll Avenue, N. W., that was previously held by the Water Department which contains a two-million gallon water storage tank; and the parcel of land was inadvertently omitted from the initial transfer of property to the Western Virginia Water Authority, therefore, the City wishes to convey the land to the Water Authority.

The City Manager recommended that she be authorized to execute the necessary documents to convey the property to the Western Virginia Water Authority for a nominal consideration, subject to approval as to form by the City Attorney.

Council Member Cutler offered the following ordinance:

(#37127-071805) AN ORDINANCE authorizing the City Manager to execute the necessary documents to convey City-owned property housing a water storage tank, located on Carroll Avenue, consisting of 1.2508 acre and identified as Official Tax No. 2340106, to the Western Virginia Water Authority, upon certain terms and conditions, and dispensing with the second reading by title of this ordinance.

(For full text of ordinance, see Ordinance Book No. 69, Page 509.)

Council Member Cutler moved the adoption of Ordinance No. 37127-071805. The motion was seconded by Council Member McDaniel.

The Vice-Mayor inquired if there were persons present who would like to speak in connection with the matter. There being none, he declared the public hearing closed.

There being no questions or comments by Council Members, Ordinance No. 37127-071805 was adopted by the following vote:

AYES: Council Members Cutler, Dowe, Lea, McDaniel and Vice-Mayor Fitzpatrick-----5.

NAYS: None-----0.

(Mayor Harris was absent and Council Member Wishneff was not present when the vote was recorded.)

CITY PROPERTY-ROANOKE CIVIC CENTER-LEASES: Pursuant to instructions by the Council, the City Clerk having advertised a public hearing for Monday, July 18, 2005, at 7:00 p.m., or as soon thereafter as the matter may be heard, on the proposed lease of a portion of City-owned property located at the Roanoke Civic Center to Roanoke Sports Group, LLC, for use as office space as part of the terms of a License Agreement for operation of a hockey team, the matter was before the body.

Legal advertisement of the public hearing was published in *The Roanoke Times* on Friday, July 8, 2005.

The City Manager submitted a communication advising that on February 25, 2005, the United Hockey League (UHL) announced that the League's Board of Governors had granted approval to Ken and Kristen Dixon to bring their hockey team to Roanoke; a Limited Liability Corporation, Roanoke Sports Group, doing business as the Roanoke Valley Vipers was formed; 15 teams participate in the League which is in its 15th season; and the team will play 38 home games.

It was further advised that the initial term of the License Agreement is for three years, with an additional two-year term upon mutual agreement between Roanoke Sports Group, LLC, and the City of Roanoke; the new team will replace the now defunct Roanoke Express (formerly Valley Rampage, Valley Rebels, and Virginia Lancers) of the East Coast Hockey League that occupied the Roanoke Civic Center Coliseum from 1988 until 2004; owners of the team have the financial resources to bring hockey back to Roanoke, with experience in the sport and as business owners; and the owners anticipate generating revenue in excess of \$200,000.00 by creating special incentives to increase attendance.

It was explained that after thorough research and careful consideration, it has been determined that the League's reputation, the owner's financial status and sports experience, along with the owner's business backgrounds would be an asset to the Roanoke Valley; a license agreement to benefit both parties was collaborated; entering into the proposed Agreement with Roanoke Sports Group, LLC, would further enable the City to achieve its goals of promoting quality events that can be enjoyed by the entire family and all age groups and increasing revenue for the City of Roanoke and the Roanoke Civic Center; the Agreement would be for a period of three years, with a two-year option to extend; the season would run from October to April; specific dates for the 2005-2006 hockey season were finalized at the end of June; and the City will convey 736 square feet of office space to the Roanoke Sports Group, LLC, as part of the terms and duration of the license agreement.

The City Manager recommended that she be authorized to execute a License Agreement between the City of Roanoke and Roanoke Sports Group, LLC; subject to approval as to form by the City Attorney; and to execute any other documents as may be necessary to implement and administer the Agreement, including exercising an option to extend the Agreement.

Council Member McDaniel offered the following ordinance:

(#37128-071805) AN ORDINANCE authorizing the City Manager to enter into a License Agreement between the City of Roanoke and Roanoke Sports Group, LLC, for an initial term of three years, with an additional two year term upon mutual agreement of the parties, which will provide for use of the Civic Center Coliseum and certain related facilities by Roanoke Sports Group, LLC, to provide a certain number of United Hockey League ("UHL") games in the coliseum and to provide certain office space and other space to Roanoke Sports Group, LLC for use during the term of the License Agreement; authorizing the City Manager to take such further action and execute such documents as may be reasonably necessary to provide for the implementation and administration of the License Agreement upon certain terms and conditions; and dispensing with the second reading of this ordinance by title.

(For full text of ordinance, see Ordinance Book No. 69, Page 510.)

Council Member McDaniel moved the adoption of Ordinance No. 37128-071805. The motion was seconded by Council Member Dowe.

The Vice-Mayor inquired if there were persons present who would like to speak in connection with the matter. There being none, he declared the public hearing closed.

There being no questions or comments by Council Members, Ordinance No. 37128-071805 was adopted by the following vote:

AYES: Council Members Cutler, Dowe, Lea, McDaniel and Vice-Mayor Fitzpatrick-----5.

NAYS: None-----0.

(Mayor Harris was absent and Council Member Wishneff was not present when the vote was recorded.)

Council Member Wishneff entered the meeting.

HUMAN DEVELOPMENT-GRANTS: Council at its 2:00 p.m. session having tabled action on a resolution regarding the Workforce Investment Act Agreement with the Virginia Employment Commission for Program Year 2006, pending a response by the City Attorney and the City Manager in connection with questions/concerns raised by Council Member Lea, the matter was before the body.

The City Attorney referred to a Charter that was adopted in 2003 by all participating localities in the Western Virginia Workforce Board, pursuant to the Workforce Investment Act, which created a chief local elected officials organization or consortium; Council authorized the Mayor to execute the Charter in July 2003, and the Charter has not been amended and continues to be in effect. He stated that the Charter was entered into by and between the jurisdictions of the City of Covington, City of Roanoke, City of Salem, Alleghany County, Botetourt County, Craig County, Franklin County and Roanoke County and charges the chief elected officials of each of the above referenced localities, being either the Chairperson of the Board of Supervisors or the Mayor of the Cities, to constitute themselves as the chief local elected officials consortium; and the consortium was given the authority to appoint the local Workforce Investment Board. He noted that the Charter also provides that these actions can either be taken by the chief elected official or his or her designee; and all jurisdictions appointed designees to the consortium to act in their place; pursuant to the agreement, the consortium designated the City of Roanoke to serve as grant recipient, and the Workforce Development Board, which is appointed by the consortium, acts as fiscal agent for all Title I funds that are funneled through the entity.

The City Attorney stated that Council Member Lea inquired as to what, if any, liability the City of Roanoke might incur by participating in the consortium; whereupon, he advised that the agreement states that any financial or legal liability of the consortium shall be shared on a pro rata basis by population of member jurisdictions based on the latest census, therefore, any liability would be shared on a per capita basis.

The City Manager advised that some time ago, a decision was made collectively by Chief Elected Officials to appoint their Chief Appointed Official to the consortium; the City Manager and County Administrator of each of the jurisdictions above named by the City Attorney became the CLEO, which appoints the Workforce Development Board; and the Board previously consisted of a group of 40 persons which has now been pared down to 15, and represents persons who previously served on the larger board. She advised that the agreement also refers to specific roles of the CLEO; i.e.: appointment of all members to the Workforce Development Board, development of by-laws through designation of a grant recipient, a fiscal agent to receive funds, account for funds, ensure appropriate auditing, approve the source budget, develop a five year plan, negotiate performance standards, appoint the youth council, designate or certify local one stop operators, and conduct oversight.

The City Manager suggested that she, as the City of Roanoke's representative to the Chief Local Elected Official (CLEO) group, be directed by the Council to take Council Member Lea's concerns to the full CLEO Board at its next meeting. As the new Chair of CLEO, she advised that one of the first orders of business will be an understanding of the process for appointing boards in the future.

Council Member Lea made the observation that TAP plans to appeal the decision to remove its representative from the Workforce Development Board; whereupon, he inquired as to the appropriate entity to hear the appeal.

The City Attorney responded that after reviewing the Charter, it would appear that the appeals process would be addressed by the CLEO group.

The Director of Finance advised that because the City of Roanoke serves as grantee, even though the City has a fiscal agency relationship with the Workforce Development Board, the City is fully responsible for the funds to the State; and as such, the City is required to have the funds audited by external auditors according to Federal audit guidelines and included in the City's annual financial report.

The Vice-Mayor requested a clarification of the City Manager's recommendation; whereupon, she advised that funds for Workforce Development activities come to the City of Roanoke through the State office of the Virginia Employment Commission; in order for the City to receive the funds on behalf of the region, the City of Roanoke must agree on an annual basis to serve as grant recipient, which is the item under consideration by the Council; assuming that the Council acknowledges to the State that the City will continue to serve as grant recipient, an ordinance will be submitted for consideration by Council at its next meeting which will enable the State to forward funds to the City for distribution. If such action is not approved by the Council, Workforce Investment funds will not come to the region; therefore, the City Manager recommended that Council take affirmative action.

Following further discussion with regard to the City's status as grant recipient and composition of the Workforce Development Board, Council Member Cutler moved that the resolution be removed from the table. The motion was seconded by Council Member Dowe.

Council Member Lea inquired as to the status of his motion, seconded by Council Member Dowe, that a Total Action Against Poverty representative be reinstated to the Workforce Development Board and that a diverse Board be appointed.

Upon a roll call vote, the motion was lost by the following vote:

AYES: Council Members Wishneff, Dowe and Lea-----3.

NAYS: Council Members Cutler, McDaniel and Vice-Mayor Fitzpatrick ----3.

Council Member Wishneff inquired if the City of Roanoke could withdraw from the regional board and receive its proportionate share of funds directly from the State; whereupon, the City Attorney advised that he would review Federal guidelines relating to receipt of funds.

Following further discussion, it was the consensus of Council that the Mayor would draft a communication to the Workforce Development Board stating concerns expressed by Council regarding Board membership diversity.

Council Member McDaniel reoffered the following resolution:

(#37129-071805) A RESOLUTION authorizing the City Manager to execute the Grant Agreement with the Virginia Employment Commission for Program Year 2006 in order for the City to continue as the grant recipient of funding for the Workforce Investment Act for Area 3.

(For full text of Resolution, see Resolution Book No. 69, Page 511.)

Council Member McDaniel moved the adoption of Resolution No. 37129-071805. The motion was seconded by Vice-Mayor Fitzpatrick and adopted by the following vote:

AYES: Council Members Wishneff, Cutler, Dowe, McDaniel and Vice-Mayor Fitzpatrick-----5.

NAYS: Council Member Lea-----1.

(Mayor Harris was absent.)

HEARING OF CITIZENS UPON PUBLIC MATTERS: The Vice-Mayor advised that Council sets this time as a priority for citizens to be heard and matters requiring referral to the City Manager will be referred immediately for response, recommendation or report to Council.

COMPLAINTS-TOTAL ACTION AGAINST POVERTY: Mr. Robert E. Gravely, 727 29th Street, N. W., advised that a communication should be forwarded to the Work Force Development Board instructing the Board to reinstate a Total Action Against Poverty representative. He spoke with regard to the need to attract more persons to the Roanoke area by creating additional avenues of opportunity, better and more affordable entertainment venues, and living conditions that are more conducive to the income level of the average citizen.

There being no further business, the Vice-Mayor declared the meeting adjourned at 8:00 p.m.

A P P R O V E D

ATTEST:

Mary F. Parker
City Clerk

C. Nelson Harris
Mayor
